

Questions and Answers for the Proposed Listing and Critical Habitat Designation and Draft Economic Analysis for the Florida Leafwing and Bartram's Scrub-hairstreak Butterflies

1. What is the current status of the Florida leafwing and Bartram's Scrub-hairstreak butterflies?

Both butterflies have been proposed for listing as endangered under the Endangered Species Act (ESA) because most of their pine rockland habitat has been modified or destroyed. Their host plant, the pineland croton, also is declining because it depends on pine rockland habitat as well. The butterflies are only found in South Florida and the Florida Keys in Monroe and Miami-Dade Counties, Florida. They have been candidates for federal listing since 2006. The U.S. Fish and Wildlife Service (Service) first proposed listing these butterflies with critical habitat on August 15, 2013, as part of a Multi-District Listing Settlement Agreement approved in 2011. To learn more about the Service's work plan, please visit <http://www.fws.gov/southeast/candidateconservation/>

2. What areas are proposed as critical habitat for these two butterflies?

The Service proposes to designate critical habitat for these butterflies in locations where they currently exist or historically existed and could be reintroduced. These areas consist of four critical habitat units encompassing 10,561 acres for the leafwing and seven critical habitat units encompassing 11,539 acres for the hairstreak. All units are within Monroe and Miami-Dade Counties. Included within the designation are areas in Everglades National Park and other areas in Miami-Dade County, and Big Pine Key, No Name Key, and Little Pine Key, which are part National Key Deer Refuge in Monroe County. Most of the designated lands are protected as federal, state, and local government conservation areas.

3. What is critical habitat?

The Service identifies critical habitat when it proposes to list an animal or plant as endangered or threatened. Critical habitat, a term defined in the ESA, is identified based on what an animal or plant needs to survive and reproduce by reviewing the best scientific information concerning a species' present and historical ranges, habitat, and biology. The designation of critical habitat helps ensure that federal agencies and the public are aware of the habitat needs of the two butterflies, and proper consultation is conducted by federal agencies when required by law.

4. What does a critical habitat designation do?

When an area is designated as critical habitat for a listed species, federal agencies are required by law to ensure that any action they fund, authorize, or carry out is not likely to result in the destruction or adverse modification of the habitat. This is carried out through consultation with the Service.

The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. A critical habitat designation also does

not allow the government or public to access private lands, nor does it require implementation of restoration, recovery, or enhancement measures by non-federal landowners.

Although some of the areas within the proposed critical habitat designation for these two butterflies are located on private land, activities or projects on those lands would only be impacted if they are authorized, funded, or carried out by a federal agency. Activities in designated critical habitat that require federal involvement (for example, a U.S. Army Corps of Engineers permit to build a dam) would need to be reviewed by the Service. The federal agency would work with the Service to help landowners avoid, reduce, or offset potential negative impacts to the critical habitat and the listed species.

There should be no or minimal impact on agricultural or timber companies, private landowners, or residential development. The Service relies on a number of voluntary, non-regulatory conservation programs to provide willing landowners with assurances to protect them for the work they do on their lands.

5. What is the economic analysis based on?

The economic analysis, which is required under the ESA, estimates the cost of conserving critical habitat for a listed plant or animal. Most of the estimated costs are administrative in nature and are only applicable when projects may diminish the conservation value of the habitat. The costs are borne largely by federal agencies, which are required to consult with the Service when a project they are funding, permitting or working on is likely to negatively affect the critical habitat.

The Service anticipates no more than eight to nine consultations per year in the critical habitat units. The analysis concluded the economic impacts of the proposed designation are likely to range from \$400 to \$9,000 per consultation resulting in approximately \$72,000 (2013 dollars) in a given year. Critical habitat is not likely to generate additional consultations and in circumstances where consultation does occur, additional project modifications beyond what is required to avoid jeopardizing the Florida leafwing or the Bartram's scrub-hairstreak are unlikely.

The economic analysis does not consider the cost of the listing itself because the ESA states that the listing of a species is to be based solely on the best available scientific information.

6. What happens with the information the Service receives during the public comment period?

The Service must base its reasoning and conclusions on the rulemaking record, consisting of the comments, scientific data, expert opinions, and facts accumulated during the pre-rule and proposed rule stages.

If the rulemaking record contains persuasive new scientific information or policy arguments that do not support the proposed action, the Service may decide to terminate the rulemaking or to continue the rulemaking but change aspects of the rule to reflect use of the best available

scientific information and appropriate application of policy. If the changes are major, the Service would publish a supplemental proposed rule. If the changes are minor, or a logical outgrowth of the action discussed in the proposed rules, the Service may proceed with a final rule.

7. How long does it take for the Service to reach a decision after the public comment period is closed?

According to the ESA, the Service has one year from the proposed rule to do one of the following: finalize the rule, withdraw the rule, or provide notice extending the one year period if there is substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the decision to be made. When a final rule is published, it generally becomes effective no less than 30 days after the date of publication in the *Federal Register*. According to the Service's deadlines, Final Rules should be submitted to the *Federal Register* by August 15, 2014.